

be built, on account of the great numbers of helpless persons set adrift.¹ Basil the Macedonian (f 886) first enacted that slaves might have an ecclesiastical marriage, but the prejudice of centuries made this enactment vain.² The abolition of crucifixion had special value to the slave class. There was no longer a special and most infamous mode of execution for them. A law of Constantine forbade the separation of members of a family of slaves.³ These are the most important changes in the law of slavery until the time of the codex of Justinian. Lecky thinks that Justinian advanced the law beyond what his predecessors had done more in regard to slavery than on any other point. His changes touched three points : (i) He abolished all the restrictions on enfranchisement which remained from the old pagan laws, and encouraged it. (2) He abolished the freedmen as an intermediate class, so that there remained only slave and free, and a senator could marry a freed woman, i.e. a slave whom he had already freed. (3) A slave might marry a free woman, if his master consented, and her children, born in slavery, became free if the father was enfranchised. The punishment for the rape of a slave woman was made death, the same as for the rape of a free woman.⁴ Isidore of Seville (f 636) said : " A just God allotted life to men, making some slaves and some lords, that the liberty of ill-doing on the part of slaves might be restrained by the authority of rulers.¹¹ Still he says that all men are equal before God, and that Christ's redemption has wiped away original sin, which was the cause of slavery.⁵

297. The colonate. At the end of the empire population was declining, land was going out of use and returning

to wilderness,
the petty grandees in towns were crushed by taxes
into poverty,
artisans were running away and becoming
brigands because the
state was immobilizing them, and peasants were
changed into
colons. The imperial system went on until the man,
the emperor,
was above all laws, the senate were slaves, and
the provinces
were the booty of the emperor. The whole system
then became

ⁱ Bodin, *Republic*, Book I, Chap. V. ^s *Cod. Theod.*, II, 25.

³ Lecky, *Eur. Morals*, II, 64. * Lecky, *Eur. Morals*,
11/65.

⁶ *Sentent.y lib. III, cap. 47.*